

Settlement Date: January 30th, 2013
Time: 10:30 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-24059 RDD

**NICOLE MONIQUE McDADE-GRAYSON
AND KEVIN GRAYSON,**

NOTICE OF SETTLEMENT

Debtors

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PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain,, United States Bankruptcy Judge, on the 30th day of January, 2013 at 10:30 A.M. in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

PLEASE TAKE FURTHER NOTICE , that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders, must be submitted to chambers no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
October 31st, 2012

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Nicole Monique and Kevin Grayson
100 Lonergan Drive
Suffern, New York 10901

Michael H. Schwartz, Esq.
One Water Street
White Plains, New York 10601

City Mortgage, Inc.
P.O. Box 6941
The Lakes, Nevada 88901-6941

Hyundai Motors Finance Company
P.O. Box 20809
Fountain Valley, California 92728

Home Plus Finance Corporation
2143 South Sepulveda Blvd. 2nd Floor
Los Angeles, California 90025

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

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Case No. 10-24059 RDD

**NICOLE MONIQUE McDADE-GRAYSON
AND KEVIN GRAYSON,**

Debtors

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ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee having moved for an order dismissing this chapter 13 case, and upon the motion and the record of the January 30, 2013 hearing thereon, the Court having found that the above-captioned debtors have failed to comply with the provision of 11 U.S.C. § 1307(c)(1) and (c)(6) and the Order Confirming Plan dated August 16, 2012 directing the debtors to remit monthly payments according to plan, and the debtors failing to comply therewith, and being, at this juncture, in material arrears with plan payments to the trustee, and there being a material default in this confirmed plan, and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case

Dated: White Plains, New York
January , 2013

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-24059 RDD

**NICOLE MONIQUE McDADE-GRAYSON
AND KEVIN GRAYSON,**

TRUSTEE'S AFFIDAVIT

Debtors

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtors filed a Chapter 13 proceeding on September 30th, 2010,
3. The debtors failed to comply with the provisions of 11 U.S.C. §1307 (c) (1)
and (c)(6).
4. The debtors has failed to comply with the Order Confirming Plan dated
August 16th, 2012, whereby the debtors must remit monthly payments to the trustee in the sum of
\$516.51 for 6 months; \$840.51 for 33 months; \$1,453.24 for 7 months and \$1,728.23 for 14 months.
5. The debtors have paid the trustee to date the sum of \$14,147.54.
6. The debtors are \$4,080.00 in arrears in plan payments to the trustee.
7. There exists a material default in this confirmed plan.
8. The delay created by the debtors is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing
this case, be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
31st day of October, 2012

/s/ Jody L. Kava
Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-24059 RDD

**NICOLE MONIQUE McDADE-GRAYSON
AND KEVIN GRAYSON,**

Debtors

-----X

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in
the County of Westchester , State of New York.

On October 31st, 2012 I served a true copy of the within document, to the herein
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed
envelope with postage prepaid thereon, in an official depository of the United States Postal
Service within the State of New York to the following:

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Nicole Monique and Kevin Grayson
100 Lonergan Drive
Suffern, New York 10901

Michael H. Schwartz, Esq.
One Water Street
White Plains, New York 10601

City Mortgage, Inc.
P.O. Box 6941
The Lakes, Nevada 88901-6941

Hyundai Motors Finance Company
P.O. Box 20809
Fountain Valley, California 92728

Home Plus Finance Corporation
2143 South Sepulveda Blvd. 2nd Floor
Los Angeles, California 90025

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
31st day of October, 2012

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/14